

DANIEL J. BRODERICK, Bar #89424  
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Attorney for Defendant  
CLINTON JAMES SMITH

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. 2:04-cr-0321-MCE
	)	
Plaintiff,	)	STIPULATION AND ORDER
	)	CONTINUING CHANGE OF PLEA
v.	)	HEARING AND EXCLUDING TIME
	)	
CLINTON JAMES SMITH,	)	DATE: February 13, 2007
	)	TIME: 8:30 a.m.
Defendant.	)	JUDGE: Morrison C. England,
	)	Jr.
	)	

IT IS HEREBY STIPULATED by and between the parties hereto through their respective counsel, KENNETH MELIKIAN, Assistant United States Attorney, attorney for Plaintiff, and LINDA HARTER, Chief Assistant Federal Defender, attorney for defendant, that the current Change of Plea hearing date of January 9, 2007 be vacated, and a new Change of Plea hearing date of February 13, 2007 at 8:30 a.m. be set.

This continuance is requested because defense counsel is out of the office on medical leave due to a recent skiing accident.

It is further stipulated and agreed between the parties that the period beginning January 9, 2007 through and including February 13, 2007 should be excluded in computing the time within which the trial of

1 the above criminal prosecution must commence for purposes of the Speedy  
2 Trial Act for defense preparation. All parties stipulate and agree  
3 that this is an appropriate exclusion of time within the meaning of  
4 Title 18, United States Code, Section 3161(h)(8)(B)(iv) (Local Code T4)  
5 and that the ends of justice to be served by a continuance outweigh the  
6 best interests of the public and the defendant in a speedy trial.

7 Dated: January 5, 2007

8 Respectfully submitted,

9 DANIEL J. BRODERICK  
10 Federal Defender

11 /s/ Linda Harter  
12 LINDA HARTER  
13 Chief Assistant Federal Defender  
Attorney for Defendant  
CLINTON JAMES SMITH

14 Dated: January 5, 2007

15 MCGREGOR W. SCOTT  
United States Attorney


16 /s/ Kenneth Melikian  
17 KENNETH J. MELIKIAN  
18 Assistant U.S. Attorney  
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**ORDER**

Based on the parties' stipulation and good cause appearing therefrom, the Court hereby adopts the stipulation of the parties in its entirety as its order. The Court specifically finds that the ends of justice served by the granting of such continuance outweigh the interests of the public and the defendant in a speedy trial.

IT IS SO ORDERED.

DATED: January 8, 2007



MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE